

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SLEP-TONE ENTERTAINMENT
CORP.,

Plaintiff,

v.

SHEA FAMILY CORP., d/b/a HAVANA
WEST;

Defendant.

Civ. No. 6:13-cv-862-TC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff filed this motion to dismiss, ECF No. 70, pursuant to Fed. R. Civ. P. 41(a)(2). In response, defendant “welcomes dismissal . . . on condition that” defendant receives attorney fees under 15 U.S.C. § 1117(a). *See* Def.’s Resp. to Pl.’s Mot. Dismiss 2, ECF No. 71. Judge Thomas M. Coffin issued a Findings and Recommendation (F & R) on May 21, 2014. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Because no objections to the F & R were timely filed, this court reviews only the legal principles *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1988). Having reviewed the legal principles *de novo*, this Court finds no error in Judge Coffin’s F & R, ECF No. 73.

CONCLUSION

This Court ADOPTS Judge Coffin's F & R, ECF No. 73, in full. Accordingly, plaintiff's motion to dismiss, ECF No. 70, is GRANTED without payment of fees by either party.¹

IT IS SO ORDERED.

DATED this 28th day of July, 2014.


Michael J. McShane
United States District Judge

¹ If defendant has incurred any costs, upon dismissal, this Court will consider awarding costs pursuant to Fed. R. Civ. P. 54.